

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT

2020 JAN 16 P 2:23

BURNICE WILLIAMS,
Defendant,

v.

DISTRICT OF UTAH
Case No.: 2:17-cr-00417-DAK-1
BY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA.

Motion to Modify Term of Imprisonment Pursuant to the
First Step Act and 18 U.S.C. § 3582(c)(1)(A)

Comes now, Burnice Williams, in pro se, respectfully moves this Honorable Court pursuant to the First Step Act of 2018 and 18 U.S.C. § 3582(c)(1)(A). Based on extraordinary and compelling circumstances I respectfully request a reduction in sentence.

In accordance with the First Step Act and 18 U.S.C. § 3582(c)(1)(A), this motion is before the court after having exhausted my administrative rights. My original request to Unit Team and the Warden was dated December 11, 2019.

Introduction

The First Step Act of 2018 puts an emphasis on reducing long sentences for the elderly. I am currently 70 years old and have many health related issues that I am afraid will cause me to die in prison before my projected release date to a halfway house in 2025; my expiration full term date is one day after my 77th birthday in 2026.

Judge Kimball, since July of 2004, between federal prison, federal supervised probation, and county jail time, by July of 2020 I will have served 16 years in the federal system. .

After being released from my first federal sentence in 2008, I became very arrogant, rude, and non-complaint. I ended up with violations and eventually in Drug Court.

Around 2011, determined to do it my way and out of anger, I robbed another bank; no disguise or get-a-way plan, just plain old stupidity. When I got home, the police were waiting for me and I surrendered. After my release in 2015, I went back to work with the Pipefitters Union. Within a couple of months I was back with the wrong people, doing the wrong things. Then in June 2017, out of no where, I robbed my last bank.

Judge Kimball, you can believe me when I say my Public Defender Vanessa Ramos told me that AUSA Veda Travis was going to seek a career criminal, my world changed in a matter of seconds. To be honest, it scared me straight. In fact, I thought I was having a heart attack. I will never cause myself to ever come back to prison again. Since then, my entire thought process has changed.

Prior to that day, because of my time in Viet-Nam, I was full of hatred for the government. I have always had good Probation Offices, Public Defenders, and Judges. Everyone in the Federal Courts have tried to help me; I just wouldn't accept their help.

Then in 2017, when I was ready to receive help, I couldn't get help because I had burned all those bridges. As you will see reading my letters of support, the only court official that wrote a letter was Audrey James, and she was one of the ones I treated the worst.

After realizing how wrong I've been, and how bad I treated people and family members that's tried to help me, I've written letters of apology; which I have included as an exhibit. I can only hope they will forgive me.

Your Honor, I want to personally apologize to you. I should have never ended up in your courtroom. Although I am asking you for a compassionate release, or at least a reduction of sentence, my apology is sincere.

My Compassionate Release request is based on my health issues such as severe Arthritis, Emphysema, and combat P.T.S.D. I realize that I haven't served 50% of the sentence you gave me. But, if I would have been sentenced under the normal Guideline, 42 to 57 months, instead of Career Criminal, I would be past the 50% mark.

Extraordinary and Compelling Circumstances

To keep the motion concise, please refer to Exhibit A, my Compassionate Release request to the Warden which includes my pending Clemency Petition #C288011, Institution Progress Report, Letters of Support, and my Letters of Remorse.

Conclusion

Your Honor, I pray that you will give me the opportunity to be with my family. I have completely changed my way of thinking and believe I deserve to at least have my sentence reduced to the Guideline range that doesn't include the Career Criminal status which is 42-57 months.

Respectfully submitted on this day of January 10, 2020.


Burnice Williams